

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Sade Renee El,

Plaintiff,

v.

Stephanie Charter, et al.,

Defendants.

Case No.: 2:21-cv-001910-CDS-DJA

Order Adopting Reports and
Recommendations of the Magistrate Judge
(ECF Nos. 11; 16)

This action stems from a series of filings brought by Plaintiff Sade Renee El in her attempt to sue a variety of state court judges, government attorneys, police officers, and other professionals in the legal field. United States Magistrate Judge Daniel J. Albregts responded to those filings in two different reports and recommendations. For the reasons set forth herein, I adopt in full both Reports and Recommendations, ECF Nos. 11, 16, and dismiss this case.

I. Relevant Background Information

On December 22, 2021, United States Magistrate Judge Daniel J. Albregts issued an order denying Plaintiff's *in forma pauperis* (IFP) application and declining to review Plaintiff's amended complaint. *See* ECF No. 3 (advising Plaintiff that because her application was unsigned, it could not be reviewed). As a result of the incomplete IFP application, the Court declined to screen Plaintiff's amended complaint but allowed Plaintiff the opportunity to cure the IFP application issues on or before January 5, 2022. *Id.*

On January 7, 2022, Plaintiff filed an amended complaint, ECF No. 5, and another IFP application, ECF No. 4. On January 27, 2022, Magistrate Judge Albregts issued a screening order denying Plaintiff's second IFP application for being incomplete, and pursuant to 28 U.S.C. §

1 1915(e)(2)(B), did not screen the amended complaint. ECF No. 6. The screening order gave
2 Plaintiff until Thursday, February 10, 2022 to submit either a: “(1) complete application to
3 proceed in forma pauperis in compliance with 28 U.S.C. § 1915(a)(1) and LSR 1-12; or (2) pay the
4 full \$402 fee for a civil action, which includes the \$350 filing fee and the \$52 administrative fee.”
5 *Id.* The screening order also advised Plaintiff that failure to comply with the order would result
6 in a recommendation to the District Judge that the case be dismissed. *Id.* Plaintiff submitted an
7 amended, third IFP on February 11, 2022. ECF No. 7.¹

8 On April 29, 2022, Magistrate Judge Albregts issued a Report and Recommendation
9 (first R&R) advising that I grant Plaintiff’s third IFP pursuant to 28 U.S.C. 1915(a) but dismiss
10 the amended complaint. *See generally* ECF No. 11. Specifically, the first R&R recommends
11 dismissing with prejudice the causes of action that allege criminal violations (18 U.S.C. § 241, 18
12 U.S.C. § 242, 18 U.S.C. § 1512, and 18 U.S.C. § 2071) because those statutes that do not create a
13 private right of action. *Id.* at 8. The first R&R also recommends that I dismiss with prejudice the
14 asserted claims against defendants with qualified immunity (Defendants Eighth Judicial District
15 Court, Judge Stephanie Charter, Clark County District Attorney Steve Wolfson, Judge Belinda
16 T. Harris, Hearing Master Adriana Rincon White, and Clerk of Court Steve Gierson). *Id.*
17 Magistrate Judge Albregts recommends dismissing the remaining causes of action (42 U.S.C. §
18 1985(3); unreasonable search and seizure; unlawful arrest; and due process violation) without
19 prejudice due to pleading deficiencies. The first R&R recommended giving Plaintiff leave to file
20 a second amended complaint to the extent Plaintiff could cure the deficiencies identified by

21
22 ¹ ECF No. 6 was returned as undeliverable to the Clerk’s Office. *See* ECF No. 8. A change of
23 address was filed by Plaintiff on April 18, 2022. ECF No. 10. A second notice to Plaintiff informing her
24 that the case was administratively reassigned to this Court was again returned as undeliverable on May
23, 2022. *See* ECF No. 13. This Court ordered that Plaintiff file her updated address with the Clerk
pursuant to Local Rule IA 3-1. ECF No. 14. Plaintiff effectively did so in filing her amended complaint
with a new address. ECF No. 15 at 1.

1 Magistrate Judge Albregts. *Id.* Objections to the first R&R were due by May 13, 2022. *See id.*; see
2 also LR IB 3-2(a). Plaintiff did not file any objections by May 13, 2022.

3 On May 10, 2022, the court received information that the Plaintiff did in fact receive a
4 copy of the first R&R. A week later, Plaintiff filed a motion to extend time to file an answer
5 (ECF No. 12) which the court liberally construed as a request for additional time to file
6 objections to the first R&R or file an amended complaint. Accordingly, the Court granted
7 Plaintiff's motion to extend and ordered that Plaintiff file any objections to the Report and
8 Recommendation (R&R) on or before June 3, 2022, and further advised that if Plaintiff intended
9 to file an amended complaint, it must be filed on or before June 3, 2022. ECF No. 14. Plaintiff did
10 not file anything by the June 3, 2022, deadline.

11 Four days after the deadline, on June 7, 2022, Plaintiff filed an amended complaint. ECF
12 No. 15. Magistrate Judge Albregts again screened the amended complaint and issued a second
13 Report and Recommendation (second R&R) on July 27, 2022, recommending again that the
14 complaint be dismissed because it suffered from the same deficiencies as the prior complaint.
15 ECF No. 16. Magistrate Judge Albregts found that, except for Steve Gierson, Plaintiff re-named
16 each of the same defendants that he originally recommended by dismissed from the action with
17 prejudice based on qualified immunity and further noted that the allegations in the complaint
18 were conclusory. *Id.* at 2-3. The second R&R advises that the remainder of Plaintiff's allegations
19 (which included the additional of a new defendant, Officer P. Anderson) were too conclusory for
20 the Court to constitute claims upon which relief could be granted. *Id.* at 3. Finally, the second
21 R&R notes that Plaintiff re-alleged claims based on criminal statutes that provide for no private
22 right of action nor civil liability. *Id.* Consequently, the second R&R recommends dismissing the
23 complaint without prejudice, with leave to amend. *Id.* Plaintiff was again advised that any
24 objections to the second R&R must submitted in writing and supported by points and

1 authorities within fourteen days of being served with the report and recommendation, and
2 further that failure to file a timely objection(s) may waive the right to appeal the district court's
3 order. *Id.* The deadline to file any objections or a second amended complaint was August 10,
4 2022. Plaintiff did not file anything by the August 10, 2022.

5 II. Legal Standard

6 When reviewing the order of a Magistrate Judge, the order should only be set aside if the
7 order is clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); LR IB 3-1(a); 28 U.S.C. §
8 636(b)(1)(A); *Laxalt v. McClatchy*, 602 F. Supp. 214, 216 (D. Nev. 1985). A Magistrate Judge's order
9 is "clearly erroneous" if the court has "a definite and firm conviction that a mistake has been
10 committed." *See United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948); *Burdick v. Comm'r IRS*, 979
11 F.2d 1369, 1370 (9th Cir. 1992). "An order is contrary to law when it fails to apply or misapplies
12 relevant statutes, case law or rules of procedure." *UnitedHealth Grp., Inc. v. United Healthcare, Inc.*,
13 2014 WL 4635882, at *1 (D. Nev. Sept. 16, 2014).

14 This Court "may accept, reject, or modify, in whole or in part, the findings or
15 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely
16 objects to a magistrate judge's report and recommendation, then the court is required to "make a
17 de novo determination of those portions of the [report and recommendation] to which objection
18 is made." 28 U.S.C. § 636(b)(1). However, no review is required "of a magistrate judge's report
19 and recommendation unless objections are filed." *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226
20 (D. Ariz. 2003); *see also Thomas v. Arn*, 474 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d
21 1114, 1121 (9th Cir. 2003).

22 III. Analysis

23 Here, Plaintiff did not file objections to either of the pending Reports and
24 Recommendations. While *de novo* review is not required because Plaintiff failed to file objections,

1 I nevertheless conducted a *de novo* review of the issues set forth in both reports and
2 recommendations pursuant to 28 U.S.C. § 636(b)(1) and find that Magistrate Judge Albregts set
3 forth the proper legal analysis and factual basis in the R&R (ECF No. 19). Stated otherwise, the
4 R&Rs were neither clearly erroneous nor contrary to the law. Accordingly, the first R&R and
5 second R&R are adopted in their entireties.

6 **IV. Conclusion**

7 IT IS THEREFORE ORDERED that the Magistrate Judge Albregt's Report and
8 Recommendation (ECF No. 11) is ADOPTED in its entirety.

9 IT IS THEREFORE ORDERED that the Magistrate Judge Albregt's Report and
10 Recommendation (ECF No. 16) is ADOPTED in its entirety.

11 IT IS FURTHER ORDERED that the Plaintiff's Amended Complaint (ECF No. 15) is
12 STRICKEN.

13 IT IS FURTHER ORDERED that, to the extent Plaintiff can cure the deficiencies
14 identified in both Report and Recommendations (ECF Nos. 11 and 16), Plaintiff may file a second
15 amended complaint within 14 days of this Order. Failure to file an amended complaint or the
16 filing of an amended complaint containing the same deficiencies as the prior two complaints will
17 result in this action being dismissed with prejudice.

18 DATED this 16th day of August, 2022.

19
20 
21 Cristina D. Silva
22 United States District Judge
23
24